

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS ALBERTO ROCHA,

Defendant.

CR 20–31–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on February 16, 2021. (Doc. 25.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Luis Alberto Rocha’s guilty plea after Rocha appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to distribute

cocaine in violation of 21 U.S.C. § 846, as set forth in the Superseding Information. (*See* Doc. 20.)

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 25) IN FULL.

IT IS FURTHER ORDERED that Luis Alberto Rocha's motion to change plea (Doc. 16) is GRANTED, and Luis Alberto Rocha is adjudged guilty as charged in the Superseding Information.

DATED this 3rd day of March, 2021.



Dana L. Christensen, District Judge
United States District Court